

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:16-CR-00257-RJC-DCK

USA

v.

ROBERT WILLIAM KENDRICK

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se for a reduction of his drug sentence under § 404 of the First Step Act of 2018. (Doc. No. 64).

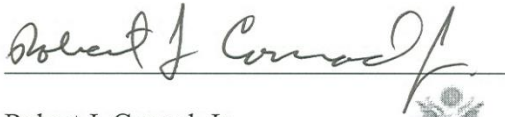
The defendant was sentenced on August 3, 2017, based, in part, on his guilty plea to possessing with intent to distribute cocaine base under 21 U.S.C. § 841(b)(1)(C).¹ (Doc. No. 10: Indictment at 2 (Count Four); Doc. No. 20: Plea Agreement at 2; Doc. No. 28: Presentence Report at 1). The Supreme Court has held that a violation of § 841(b)(1)(C) is not a “covered offense” for purposes a sentence reduction under the First Step Act. Terry v. United States, 141 S. Ct. 1858, 1862-63 (2021).

IT IS, THEREFORE, ORDERED that the defendant’s motion, (Doc. No. 64), is **DISMISSED**.

¹ The defendant was also sentenced for violating 18 U.S.C. § 924(c)(1).

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: December 28, 2022

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

